

BILL NO. G-79-03- 17

GENERAL ORDINANCE NO. G- 11-79

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of
a certain alley.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. Petition for the vacation of a certain alley having
been filed with the Fort Wayne City Plan Commission in accordance with
Section 44, Chapter 174, of the Acts of the General Assembly of the State
of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of
the General Assembly of the State of Indiana (I.C. 18-7-5-46), the
Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by
the Common Council of the City of Fort Wayne on November 26, 1963, is
amended by deleting the following alley, to wit:

Running East and West between Catalpa Street on the
West and Bright Street on the East, and on the
North by the South line of lots 448 through 455 of
Third Commercial Addition to the City of Fort Wayne,
and on the South by the North line of lots 426 through
433 of Third Commercial Addition to the City of Fort
Wayne according to the recorded plat thereof and here-
inafter referred to as the alley.

SECTION 2. After passage of this Ordinance, approval by the
Mayor and legal publication, a duly certified copy of this Ordinance, of
the recommendation of the Fort Wayne City Plan Commission, and of the
action of the Mayor, shall be transmitted by the City Clerk to the Board
of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect
from and after its passage, approval by the Mayor and legal publication
thereof.

Samuel J. Talarico
Councilman

APPROVED AS TO FORM
AND LEGALITY, _____

CITY ATTORNEY

Read the first time in full and on motion by _____, seconded by _____

Hinga, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 3-27-79

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, placed on its passage.

PASSED (~~LOSS~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>✓</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>✓</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 5-22-79

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE

(RESOLUTION) No. 12-11-79 on the 22nd day of May, 1979.
ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

Winifred C. Wingo Jr.
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1979, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 1st day of June, 1979, at the hour of 9:40 o'clock A. M., E.S.T.

Robert Christy
MAYOR

Bill No. G-79-03-17

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending General Ordinance No. G-97 by authorizing the vacation of
a certain alley

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

JOHN NUCKOLS - CHAIRMAN

SAMUEL J. TALARICO - VICE CHAIRMAN

VIVIAN G. SCHMIDT

JAMES S. STIER

WILLIAM T. HINGA

John Nuckols
Samuel J. Talarico
Vivian G. Schmidt
James S. Stier
William T. Hinga
CONCURRED IN

522-79
DATE _____ CHARLES W. WESTERMAN, CITY CLERK

RECEIPT

Date

19 78

No.

10688

Received From

Y M C A

Address

326 E. Washington

Dollars \$

50.00

for

vacation alley

ACCOUNT

HOW PAID

AMT. OF
ACCOUNT

CASH

AMT. PAID

CHECK

BALANCE
DUEMONEY
ORDER

By

Roth B

STATE OF INDIANA) TO THE CITY PLAN COMMISSION OF
) SS:
COUNTY OF ALLEN) THE CITY OF FORT WAYNE, INDIANA

PETITION TO VACATE ALLEY

The Undersigned petitioner, Young Men's Christian Association of Greater Fort Wayne and Allen County, an Indiana corporation, "YMCA" does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following alley within the City of Fort Wayne, Indiana, and hereby described as follows, to-wit:

Running East and West between Catalpa Street on the West and Bright Street on the East, and on the ~~North~~ by the South line of lots 448 through 455 of Third Commercial Addition to the City of Fort Wayne, and on the ~~South~~ by the North line of lots 426 through 433 of Third Commercial Addition to the City of Fort Wayne according to the recorded plat thereof and hereinafter referred to as the alley.

In support thereof, your petitioner, the YMCA would represent the following:

1. That the YMCA is the owner and record titleholder of the south fifty (50) feet of lots 448 through 455, Third Commercial Addition and also the owner and record titleholder of all of lots 426 through 433 Third Commercial Addition.

2. That the YMCA acquired title to lots 426 through 433 November 14, 1947 from the School City of Fort Wayne, and built the Kiwanis branch YMCA thereon with the help of the Downtown Kiwanis Club of Fort Wayne, Indiana. The YMCA acquired title of the south fifty (50) feet of lots 448 through 445 from the Housing Authority of the City of Fort Wayne April 19, 1968, and thereafter proceeded to expand the Kiwanis branch YMCA with the addition of a building to the north.

3. Attached to this petition is a copy of a survey by Carl A. Hofer dated November 16, 1978 showing the location of the improvements for the Kiwanis branch YMCA building over the alley which is sought to be vacated. These improvements have existed in this location since 1969, and there location had never been questioned by any person, firm or corporation.

4. That the alley is unopened and unimproved, and that all of the houses or other improvements located on the north ninety (90) feet of lots 448 through 455 have been removed, and that these lots are now vacant land.

5. That no other person, firm or corporation is interested or affected by the requested vacation.

6. That the maintenance of the said alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be in the best interest of the City and the citizens thereof to approve the vacation as herein sought.

Your petitioner files this petition pursuant to the authority granted in Indiana Code, Section 18-7-5-46, in order to complete the vacation as above described.

WHEREFORE, your petitioner prays that the above described alley be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 28th DAY OF December, 1978.

YOUNG MEN'S CHRISTIAN ASSOCIATION OF
GREATER FORT WAYNE AND ALLEN COUNTY

BY: 

ROBERT W. HALLER, VICE PRESIDENT
2000 FORT WAYNE BANK BUILDING
FORT WAYNE, INDIANA 46802

Y.M.C.A. (7-0)

CERTIFICATE OF SURVEY

NUMBER

OFFICE OF HOFER AND DAVIS, INC.

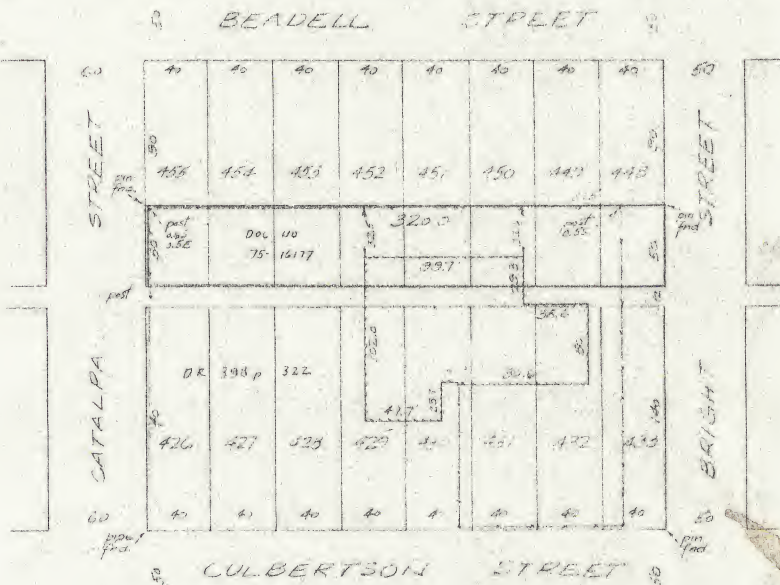
CIVIL ENGINEERS & LAND SURVEYORS
FORT WAYNE, INDIANAA. K. HOFER, P.E. No. 12
(1968) L.S. No. 10504CARLA A. HOFER, P.E. No. 7122
L.S. No. 10071WILLIAM S. DAVIS, L.S. No. S 0063
L.S. No. 18114 Michigan

This document is the record of a survey of land and real estate situated in the City of Fort Wayne, Allen County, Indiana, made in accordance with the plat and deed recorded thereof on file in the Office of Records of said County and State. The land below described exists in full dimensions as herein noted in feet, and is free from encroachments by adjoining landowners, and furthermore contains entirely within its boundaries the structure of the buildings on it situated; all as below indicated in detail. Any exceptions or discrepancies are below noted.

60.00
DESCRIPTION OF PROPERTY Lot No. 426, 427, 428, 429, 430, 431, 432, and 433, THIRD COMMERCIAL ADDITION to the City of Fort Wayne, according to the Recorded Plat thereof.

ALSO

The South 50 feet of Lot's 448, 449, 450, 451, 452, 453, 454, and 455 THIRD COMMERCIAL ADDITION to the City of Fort Wayne, according to the Plat thereof, recorded in Plat Book 4, page 48.



FLOOD PLAIN CERTIFICATE

Inside the Special Flood Hazard Area per HUD Map No. 9, City of Fort Wayne, dated February 15, 1974.

(1) FIRST REPORT - HANDS OF ALLEY VANDERBILT NOT TEST DETERMINED - FIELD ON 21 SEP 78

REFERENCE S.W. 1/4
THE SOUTH 50 FEET OF
LOTS 448 AND 449
THE SOUTH 21 APR 1970

3- BOB HOLLER

IN WITNESS WHEREOF, I place my hand and seal, this 16 day of NOVEMBER 1978

Carl A. Hofer

WHEREAS, the YOUNG MEN'S CHRISTIAN ASSOCIATION, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the following public alley situated in Fort Wayne Allen County, to-wit:

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, said vacation of public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

COUNTY OF ALLEN } SS:

I, Henry P. Tekranberg, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held April 25, 1979 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 25th DAY OF April 1979
FORT WAYNE BOARD OF PUBLIC WORKS

Henry P. Wehrenberg, Chairman

Ethel H. LaMar. Member

Max G. Scott Member

R E S O L U T I O N

WHEREAS, the YOUNG MEN'S CHRISTIAN ASSOCIATION have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Allen County, to-wit:

Running east and west between Catalpa Street on the west and Bright Street on the east, and on the north by the south line of Lots 448 through 455 of Third Commercial Addition to the City of Fort Wayne, and on the south by the north line of Lots 426 through 433 of Third Commercial Addition to the City of Fort Wayne according to the recorded plat thereof and hereinafter referred to as the alley

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 187-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on April 16, 1979, at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne Ctiy Plan Commission that the vacation of said public alley hereinberfore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of alleys in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Thomas Adams Secretary, of the
Fort Wayne City Plan Commission, do hereby certify that attached is a
full, true and correct copy of a resolution adopted by the Fort Wayne
City Plan Commission following a public hearing of said Commission
Held April 16, 1979, and as the same appears of record in the
official records of said Plan Commission.

DATED THIS 24th DAY OF April 1979,

FORT WAYNE CITY PLAN COMMISSION

Thomas H. Adams
Secretary

4426

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Alley Vacation Ordinance

G-79-03-17

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE Alley - running East and West between Catalpa Street
on the West & Bright Street on the East, and on the North by the South
line of Lots 448 thru 455 of Third Commercial Addition to the City of
Fort Wayne, and on the South by the North line of Lots 426 thru 433 of
Third Commercial Addition to the City of Fort Wayne according to the
recorded plat thereof and hereinafter referred to as the alley.

EFFECT OF PASSAGE Property is now public r/w. Property will be closed
and returned to adjacent property owners for private use.

EFFECT OF NON-PASSAGE Property will remain public r/w.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____



OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

charles w. westerman, clerk -:- room 122

June 1, 1979

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of June 6 and June 13, 1979, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common
Council of Fort Wayne, Indiana

Bill No. G-79-03-17
General Ordinance No. G-11-79

Bill No. Z-79-03-18
Zoning Map Ordinance No. Z-16-79

Bill No. Z-79-03-21
Zoning Map Ordinance No. Z-17-79

Bill No. Z-78-03-22
Zoning Map Ordinance No. Z-18-79

Please send us 12 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

AN EQUAL OPPORTUNITY EMPLOYER

LEGAL NOTICE

Notice is hereby given that on the 22nd day of May, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. G-79-03-17 -- General Ordinance No. G-11-79, being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley.

Notice is hereby given that on the 22nd day of May, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. Z-79-03-18 -- Zoning Map Ordinance No. Z-16-79, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-2

Notice is hereby given that on the 22nd day of May, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. Z-79-03-21 -- Zoning Map Ordinance No. Z-17-79, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. M-38 and Repealing Zoning Map Ordinance No. Z-15-78

Notice is hereby given that on the 22nd day of May, 1979, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. Z-78-03-22 -- Zoning Map Ordinance No. Z-18-79, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. G2


I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-79-03-17 -- General Ordinance No. G-11-79; Bill No. Z-79-03-18 -- Zoning Map Ordinance No. Z-16-79; Bill No. Z-79-03-21 -- Zoning Map Ordinance No. Z-17-79; and Bill No. Z-78-03-22 -- Zoning Map Ordinance No. Z-18-79, were passed by the Common Council on the 22nd day of May, 1979, and said Ordinances were duly signed and approved by the Mayor on the 1st day of June, 1979, and now remains on file and on record in my office.

Copies of said Bill No. G-79-03-17 --- General Ordinance No. G-11-79; Bill No. Z-79-03-18 --- Zoning Map Ordinance No. Z-16-79; Bill No. Z-79-03-21 --- Zoning Map Ordinance No. Z-17-79; and Bill No. Z-78-03-22 --- Zoning Map Ordinance No. Z-18-79 will be posted in the following places in Fort Wayne, Allen County, Indiana.

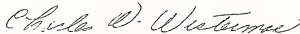
- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East Door of the Allen County Court House

Copies of said Bill No. G-79-03-17 --- General Ordinance No. G-11-79; Bill No. Z-79-03-21 --- Zoning Map Ordinance No. Z-16-79; Bill No. Z-79-03-21 --- Zoning Map Ordinance No. Z-17-79; and Bill No. Z-78-03-22 --- Zoning Map Ordinance No. Z-18-79 will be available for reading in the following places in Fort Wayne, Allen County, Indiana.

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana


Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated above on June 6, 1979


Charles W. Westerman
City Clerk